

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 4:15CR050-SA-JMV

MICHAEL ALLEN TARVER

GOVERNMENT'S REQUEST FOR NOTICE OF ALIBI DEFENSE

Comes now the United States of America, by and through the United States Attorney for the Northern District of Mississippi, pursuant to Rule 12.1 of the Federal Rules of Criminal Procedure, and requests that the defendant be required to provide notice of an alibi defense and in support thereof would show unto the Court the following, to wit:

The defendant is charged with tampering with a public drinking water system operated by the Boyle-Skene Water Corporation in Bolivar and Sunflower Counties by shooting into, breaking, vandalizing, and otherwise damaging one or more of the water supply lines, abandoned meters, bleed off valves, and other water supply equipment owned, operated, and maintained by the Boyle-Skene Water Corporation, in violation of Title 42, United States Code, Section 300i-1. The offense occurred on one or more occasions between February 25, 2014 and February 12, 2015. Specifically, the government contends that the defendant shot, broke, vandalized and damaged water supply lines or other equipment of the Corporation on or about the following dates in the vicinity of the following locations:

February 25, 2014, Hiter Road, Bolivar County

March 27, 2014, Litton Road, Bolivar County

May 4, 2014, Walker Road, Sunflower County

May 28, 2014, Malvina Road, Bolivar County

June 7, 2014, Shaw Skene Road, Bolivar County

July 4, 2014, Litton Road, Bolivar County

July 31, 2014, Highway 448, Bolivar County

August 5, 2014, Oneal Road, near the cemetery, Bolivar County

August 5, 2014, Oneal Road, Bolivar County

August 12, 2014, Highway 61, Bolivar County

August 18, 2014, Litton Road, Bolivar County

September 1, 2014, White Street, Bolivar County

September 2, 2014, Frazier Road, Bolivar County

September 10, 2014, Highway 61 North and Tolivar Road, Bolivar County

September 21, 2014, Niblett Road, Bolivar County

November 3, 2014, Litton Road, Bolivar County

November 9, 2014, White Star Road, Bolivar County

November 9, 2014, intersection of White Street and Old Ruleville Road, Bolivar County

November 10, 2014, Herbison Road, Bolivar County

November 10, 2014, intersection of Smith Road and Parks Road, Bolivar County

November 10, 2014, Dummy Line Road, Bolivar County

November 20, 2014, Dixon Road, Bolivar County

November 23, 2014, intersection of Frazier Road and Walton Road, Bolivar County

November 23, 2014, intersection of Sandpit Road and Gilbert Road, Bolivar County

December 6, 2014, Litton Road, Bolivar County

December 23, 2014, Jones Road, Sunflower County

December 31, 2014, Highway 446, Bolivar County

December 31, 2014, Pearson Road, Bolivar County

January 8, 2015, Highway 448, Bolivar County

January 8, 2015, Highway 1, south of Highway 446, Bolivar County

January 8, 2015, Highway 446, Bolivar County

January 14, 2015, intersection of Evans Road and Crosby Road, Bolivar County

February 12, 2015, Dixon Road, Bolivar County

These approximate locations are reflected on the color map previously provided to the defendant, a copy of which is attached hereto as Exhibit "A".

With the exception of one of the incidents on January 8, 2015, which the government knows occurred between approximately 10:30 p.m. and midnight, the government is not aware of the exact time the water lines were shot, broken, vandalized or damaged. Usually, the water association would not know of the damage to the line until a customer called to report a lack of service. Depending on several factors, including the time of day and number of customers without service, reports of no service could be made anywhere from immediately after a line was damaged to several hours after a line was damaged. Thus, it is virtually impossible to state with any certainty the exact time any of the water lines were damaged.

If the defendant contends that he was not present in Bolivar or Sunflower Counties on any of the dates listed above, for each such date the defendant claims he was not present, the

government requests that the defendant be required to provide notice of his alibi defense pursuant to the provisions of Rule 12.1 of the Federal Rules of Criminal Procedure.

Respectfully submitted, this the 28th day of May, 2015.

FELICIA C. ADAMS, MS Bar 1049
United States Attorney

By: /s/ Robert J. Mims

ROBERT J. MIMS, MS Bar 9913
Assistant United States Attorney
Ethridge Professional Building
900 Jefferson Avenue
Oxford, MS 38655-3608
Telephone 662-234-3351
Criminal Division fax 662-234-0657

CERTIFICATE OF SERVICE

I, Robert J. Mims, Assistant United States Attorney for the Northern District of Mississippi, hereby certify that I electronically filed the foregoing **GOVERNMENT'S REQUEST FOR NOTICE OF ALIBI DEFENSE** with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Cynthia A. Stewart cstewart@mississippitrial.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

NONE

This the 28th day of May, 2015.

/s/ Robert J. Mims
ROBERT J. MIMS
Assistant United States Attorney